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Tami M. Procopio
Tami M. Procopio



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Daniel E. H. AFAR, *et al.*

Serial No.: 09/615,285

Filing Date: 12 July 2000

For: NOVEL TUMOR ANTIGEN USEFUL
IN DIAGNOSIS AND THERAPY OF
PROSTATE AND COLON CANCER

Examiner: Gary B. Nickol, Ph.D.

Group Art Unit: 1642

RECEIVED
FEB 19 2003
TECH CENTER 1600/2900

COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a resubmission of a response that was faxed to the U.S. PTO on June 10, 2002.

Applicants appreciate the telephoned advice of Anthony Caputa, the Supervisory Patent

Examiner, in regard to procedure in this matter.

Enclosed herewith is a complete copy of the June 10, 2002, submission. As shown on the fax cover sheet, the fax department was instructed to fax the enclosures, numbering 30 pages, both to the Examiner directly and to the Official fax at (703) 305-3014. As indicated on the status data set forth at the top of the cover sheet, 30 pages were successfully transmitted to the

Examiner's fax number. Eleven pages were sent to what is evidently a rollover fax number, (703) 308-4242 and the submission is labeled as incomplete. However, the remaining 19 pages were successfully sent to this same fax number, thus completing the transmission.

According to applicant's review of the status of this application on the PAIR system, the file remains in a central location not matched with the June 10, 2002, submission. Applicants understand that, upon receipt of this communication, the communication will indeed be matched with the file and forwarded to Examiner Nickol.

Applicants appreciate the advice of Anthony Caputa on this matter.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 511582000820.

Respectfully submitted,

Dated: February 12, 2003

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125

MOFO SAN DIEGO

**** INCOMPLETE DESTINATION(S) HIGHLIGHTED BELOW ****

JOB #304

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001	6/10	16:23	#2000820#17037465115#	EC--S	09' 15"	030	OK
002		16:33	703 308 4242	EC--S	04' 04"	011	INC
003		16:41	703 308 4242	EC--S	07' 57"	019	OK

**MORRISON & FOERSTER LLP**

Attorneys at Law
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

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To: Examiner Gary B. Nickol, Ph.D.
United States Patent and Trademark Office

Facsimile: 703-746-5115

To: <No Name>
United States Patent and Trademark Office

Facsimile: 703-305-3014

From: Kate H. Murashige**Date:** June 10, 2002

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Original or hard copy to follow if this box is checked ☐.

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Comments: Serial No. 09/615,285
Our reference: 51158-20008.20



02-14-03

1642

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/615,285
Filing Date	12 July 2000
First Named Inventor	Daniel E. H. AFAR, et al.
Group Art Unit	1642
Examiner Name	G. B. Nickol, Ph.D.
Attorney Docket No.	51158200820

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FEB 19 2003

TECH CENTER 1600/2900**ENCLOSURES (check all that apply)**

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Return Postcard |
| <input type="checkbox"/> Information Disclosure Statement, PTO Form 1449, References | <input type="checkbox"/> Request for Refund | <input checked="" type="checkbox"/> Copy of submission of a Response filed via facsimile June 10, 2002. |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | <input checked="" type="checkbox"/> Communication |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Kate H. Murashige Reg. No. 29,959 Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500, San Diego, California 92130
Signature	<i>Kate H. Murashige</i>
Date	February 12, 2003

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

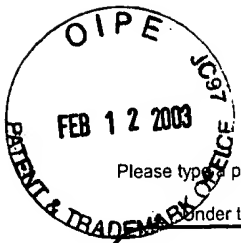
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Tami M. Procopio
Tami M. Procopio

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

Application Number

09/615,285

Filing Date

12 July 2000

First Named Inventor

Daniel E. H. AFAR, et al.

Group Art Unit

1642

Examiner Name

G. B. Nickol, Ph.D.

Attorney Docket No.

51158200820

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Return Postage |
| <input type="checkbox"/> Information Disclosure Statement, PTO Form 1449, References | <input type="checkbox"/> Request for Refund | <input type="checkbox"/> |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 | | |

Remarks

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

for

Kate H. Murashige Reg. No. 29,959

or

Morrison & Foerster LLP

Individual Name

3811 Valley Centre Drive, Suite 500, San Diego, California 92130

Signature



Date

June 10, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION

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Tami M. Procopio

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FEE TRANSMITTAL FOR FY 2002

FEB 12 2003

Patent fees are subject to annual revision.

Complete if Known

Application Number 09/615,285

Filing Date 12 July 2000

First Named Inventor Daniel E. H. AFAR, et al.

Examiner Name G. Nickol, Ph.D.

Group Art Unit 1642

Attorney Docket No. 511582000820

TOTAL AMOUNT OF PAYMENT

(\$ 55.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

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Deposit
Account
Name

Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
-20** =	*	x	= \$
Independent Claims	-3** =	*	x

Multiple Dependent

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00)

SUBMITTED BY

Name (Print/Type) Kate H. Murashige

Registration No.
(Attorney/Agent)

29,959

Complete (if applicable)

Telephone (858) 720-5112

Signature

Date June 10, 2002

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4.4

To: Examiner Gary B. Nickol, Ph.D.
United States Patent and Trademark Office

Facsimile: 703-746-5115

To: <No Name>
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